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U.S. DISTRICT COURT E.D.N.Y.

★ FEB 24 2006 ★

[CASE NOT IDENTIFIABLE VIA PACER OR ECF] BROOKLYN OFFICE

Honorable Allyne P. Ross
U.S. District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

February 22, 2006

*Application granted. Adjourned to
3/1/06 @ 11:00 am.*

Re: UNITED STATES v. CANNISTRACI; 05 Cr. 842 (ARR)

So declared. s/Allyne R. Ross

Dear Judge Ross:

2/23/06

cc: Counsel

I am CJA counsel whom Your Honor appointed to advise the defendant, Joseph Davino, with respect to his rights, pursuant to Curcio and the Sixth Amendment, to conflict-free counsel.

The Court had set the matter down for a status conference on February 23, 2006 at 4:00 p.m.

I write to respectfully request that the proceedings be continued from tomorrow at 4:00 p.m. to Monday, Tuesday, or Wednesday of next week if any of these days are convenient to the Court.

The reason for this request is that my 93 year old mother recently passed away. I am the "only child" and for reasons that I could not anticipate last week, tomorrow is the only day that I will have prior to a memorial service this weekend, to meet with the Rabbi and to coordinate a number of other matters related to the Service.

I have left a voicemail message for Assistant U.S. Attorney E. Scott Morvillo to obtain his consent, but we have not spoken. However, under the circumstances, I am quite confident that he would give his consent.

I appreciate the Court's consideration and understanding.

Respectfully yours,

Roger J. Schwarz
ROGER J. SCHWARZ

cc: E. Scott Morvillo, Esq.
Assistant U.S. Attorney

fm.